

Appl. No.	:	10/722,273
Applicant	:	M. Jay et al.
Filed	:	November 25, 2003
Title	:	Method And Apparatus For Storing Personalized Computing Device Setting Information And User Session Information TO Enable A User To Transport Such Settings Between Computing Devices
Art Unit.	:	2876
Examiner	:	D. Walsh
Conf. No.	:	6361
Docket No.	:	EBCI 8729US

**DECLARATION OF PRIOR INVENTORSHIP TO OVERCOME CITED
PATENT OR PUBLICATION
(37 C.F.R. 1.131)**

I, Ronald P. Uhlig, do hereby declare and state as follows:

1. I am an inventor of the Method And Apparatus For Storing Personalized Computing Device Setting Information And User Session Information TO Enable A User To Transport Such Settings Between Computing Devices described and claimed in US Patent Application No. 10/722,273, filed November 25, 2003.
2. In the first office action dated July 9, 2004, the Examiner cited a Wall Street Journal article entitled "You Can Lug Home Your Office Computer Inside Your Pocket" (the "WSJ Article") which was written by Walter S. Mossberg and was published in the on-line version of the Wall Street Journal on November 20, 2003 – five days before the instant application was filed.
3. This declaration is to establish completion of the invention claimed in this application prior to the publication of the WSJ Article.
4. We conceived of our invention well in advance of November 20, 2003 (the publication date of the WSJ Article. In fact, In July 2003, we gave our patent

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attorney instructions to begin drafting the patent application which was ultimately filed on November 25, 2003.

5. We received a first draft of the application from our patent attorney on July 23, 2003, as evidenced from the e-mail correspondence to me attached as Exhibit A.

6. After additional communications between us (the inventors) and our patent attorney, a further draft of the application was submitted to me on October 1, 2003. See the October 1, 2003 e-mail attached as Exhibit B.

7. Attached as Exhibit C is an October 28, 2003 e-mail from me to my patent attorney indicating that the application was substantially finished. A conference call was had between several of the inventors (including me) and our patent attorney on or about November 3, 2003 to discuss the application.

8. As a result of the November 3, 2003 conference call, additional changes were made to the application, and a revised version of the application was received from our patent attorney on November 6, 2003. (See Nov. 6, 2003 e-mail attached as Exhibit D)

9. Between November 6 and November 10, 2003, the application was finalized, and a final draft of the application was received by me on November 12, 2003, along with a Combined Declaration And Power Of Attorney to be signed by the six named inventors. (See November 12, 2003 e-mail, Exhibit E). This same e-mail, as seen from the "to" line transmitted the application and the Combined

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Declaration And Power Of Attorney to the other inventors as well. The application submitted to us in the November 12, 2003 e-mail (exhibit E) is the form of the application as it was filed on November 25, 2003.

10. By November 17, 2003, we had not signed the Combined Declaration and Power of Attorney. I, therefore, sent an urgent e-mail to the inventors with instructions for them to sign the Combined Declaration and Power of Attorney and to send the signed declaration to our patent attorney. (See November 17, 2003 e-mail, Ex. F). As seen by the dates of signature and the fax machine imprint dates on the signed Combined Declaration And Power Of Attorney (attached hereto as Exhibit G), the power of attorney was signed and transmitted to the patent attorney by the inventors as follows:

Inventor	Signature Date	Fax date
Rodney Guenther	Tuesday, Nov. 18, 2003	Tuesday, Nov. 18, 2003
Sharon Ross	Tuesday, Nov. 18, 2003	Tuesday, Nov. 18, 2003
Ronald Uhlig	Tuesday, Nov. 18, 2003	Wednesday, Nov. 19, 2003
William Bloom	Tuesday, Nov. 18, 2003	Wednesday, Nov. 19, 2003
John Watson	Tuesday, Nov. 18, 2003	Thursday, Nov. 20, 2003
Michael Jay	Friday, November 21, 2003	Monday, November 24, 2003

11. As seen, the last signature page was received on Monday, November 24, 2003 and the application was filed the next day – Tuesday, November 25, 2003.


12. As can be seen from the foregoing, we diligently worked on the application, especially during the month of November 2003; five of us had signed and faxed our signed copies of the Combined Declaration And Power of Attorney to our patent attorney on or before November 20, 2003, the date the WSJ Article was

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published. The last signed power of attorney was received by our patent attorney four days after the WSJ Article was published (a period which included a weekend).

13. The history of the writing of the application clearly shows that the claimed invention was conceived prior to the publication date of the WSJ Article, and that we were diligent from before November 20, 2003 (the publication date of the WSJ Article) to the constructive reduction of the invention to practice on November 25, 2003 (the filing date of the application).

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Ronald P. Uhlig

Date: 27 SEPTEMBER 2004

Signed At: CARLSBAD, CA

Jonathan P. Soifer



From: Jonathan P. Soifer
Sent: Wednesday, July 23, 2003 10:53 AM
To: 'John B. Watson (E-mail)'
Cc: 'Ronald P. Uhlig (E-mail 2)'
Subject: Segwave Key application

John,

You've got a good start to the application. I made some changes in the application and added some comments. The password remains the same. Some additional comments to consider when flushing out more of the application:

- 1) Do not use the term KEY. Use removable memory device, or other similar generic language. Hopefully, Key can become a trademark for Segwave. If it is used in the application, it may prevent KEY from becoming a Segwave trademark.
- 2) There are several items in the claims section which, although important in the description, are not really the material for claims. This includes items such as the fact that the Key can be used with any operating system. We can work more on these later as the description and the manner of operation is flushed out. After the next round, I can work up some draft claims.
- 3) There is a typographical error in FIG. 3, box 100 - "start-up" should be "start-up"

As far as the description is concerned, you may consider organizing it as follows:

1. Generally describe the key, what it holds and how it is connected to the computer. Actually, it could be connected to the computer in any way, including a wireless IR connection. This includes FIGS. 1 and 2.
2. Describe the operation system, by going through the flowchart of FIG. 3. This would also likely pull in FIGS. 4 and 5 which show the different screens.

Jon



Segwave Key PPA -
B.doc



Jonathan P. Soifer

From: Jonathan P. Soifer
Sent: Wednesday, October 01, 2003 11:18 AM
To: John B. Watson (E-mail); Michael Jay (E-mail); Ronald P. Uhlig (E-mail 2)
Subject: Segwave Key Patent

Attached is the latest version of the Segwave Key Patent. I have moved it along substantially from the last version. I have revised the description and added claims (in claim language format). There are still some areas that need to be defined which are marked in the application. Some of these include the authentication of the storage device, synchronization of data between the storage device and the computer, and shut down of the computer prior to logging out of the user session. The drawings are generally the same as before. I have added an emergency cache to FIG. 1 (now FIG. 1A); I have added a FIG. 1B which is basically a block diagram of a computer; and I revised FIG. 3 to remove OS functions from the flowchart (i.e., handshaking between the computer and the storage device), so that the flowchart now should be directed purely to the software. As you will see from my comments, the flow chart still needs to be updated, if necessary, to add synchronization, premature shutdown, and authentication of the storage device. FIG. 3 is getting fairly large and complex, and will be more so once these additional items are added. It may thus be necessary to break up FIG. 3 into sections and spread it out over 2 or 3 pages (in which case, there would be FIG 3A, 3B, etc.).

Let me have your comments. I have placed the application file in edit tracking so that we can track your changes. I can then combine all the changes here. With respect to FIG. 3, I will be glad to let one of you do it - I am a novice with VISIO. By the way, the password for the application is the same as before.

Jon



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application.doc



SegwaveKey -



SegwaveKey -



SegwaveKey -



SegWaveKey -



SegwaveKey -

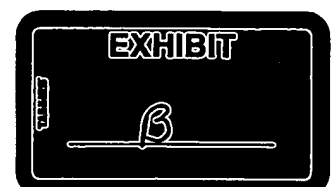


SegwaveKey -
Fig1A-keystorageo...Fig1B-Computer.vs..Fig2-key-computer..Fig3-flowchart.vs...Fig4-Screen1-v5.v...Fig5-Screen2-v5.v...

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St. Louis, Missouri 63141

Tel: (314) 872-8118
Fax: (314) 991-2178
e-mail: <JSoifer@PatPro.com>

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Jonathan P. Soifer

From: Dr. Ronald P. Uhlig [ruhlig@segwave.com]
Sent: Tuesday, October 28, 2003 9:07 PM
To: Michael Jay; John B. Watson; Jonathan P. Soifer
Cc: Ronald P. Uhlig, Ph.D.
Subject: SegWave Key Patent - almost final - can we have a final teleconference?

Gentlemen,

Michael and I met in Irvine last Friday afternoon, at the end of the Technology and Learning Conference in Anaheim, and went through the version of the Patent Application that Jon Soifer set out on Oct 1. Sorry it took so long for me to get at it, but such is life.

I spent 4 hours on it today, hopefully "going through it with a fine-toothed comb", integrating Michael's comments and concerns, and adding a number of my own mods. The result is attached (same password). Please look through the 19 comments I have inserted, as well as my changes (marked with "Track Changes.").

I think the best way to get closure is to go through it together in an audio conference and resolve anything outstanding. There are two changes that need to be made to the software flow chart. John, are you willing to do those? Otherwise, I will have to do them. I think there is a Visio file. Any suggestions for the best way to do these final software changes?

If we do a 4-person conference, John and I will need to get together in one place, to call Michael and Jon. John, I am willing to come to your office for that.

Let's see if there is a time during the next business week that would work for all of us? At this point, I can make time **EXCEPT** Thursday from 11 am PST through the rest of the day. Keep the time difference for Jon in St. Louis in mind, so we should not suggest times after 3:30 PST/5:30 CST. Please suggest times that might work for each of you.

We had hoped to submit the patent filing by end October. Depending on availability of each of you, I would still like to try for submission by the end of next week, assuming the BOD can figure out where to get the money to pay for the filing (Jon, we realize you may need a bit longer to prepare the final papers, once we're all satisfied). We have a signed agreement for a bridge loan, but have yet to see any of the money. But, we would like to find a way to go ahead with submission of the patent application, either as a Provisional or a Full filing.

Ron

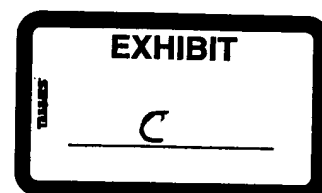
Ronald P. Uhlig, Ph.D., CEO/President
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 USA

<http://www.segwave.com/>
 email: ruhlig@segwave.com
 Phone/Fax: 760-438-5698
 Mobile: 760-213-0314

A Catalyst for Enhancing Learning ...

This electronic message and its attachments contain information from SegWave, Inc. that is privileged and confidential. The information is intended for the use of the addressee(s) only. If you have received this e-mail in error, please contact me at ruhlig@segwave.com or 760-438-5698.

9/2/2004



Jonathan P. Soifer

From: Jonathan P. Soifer
Sent: Thursday, November 06, 2003 5:38 PM
To: 'Ronald P. Uhlig (E-mail 2)'; 'John B. Watson (E-mail)'; 'Michael Jay (E-mail)'
Subject: SegWave Key application

Attached is the latest version of the Key application. Some of my edits include referring the Key as a "storage device" rather than a "removable storage device". I have also tried to refer to "connecting" rather than "inserting". Hopefully this will broaden the application up beyond the use of physical devices which can be carried around, to cover whatever direction computer technology will go in the next 20 years. This version includes some the text edits I mentioned in my prior e-mail regarding the check out procedure and the comparison of application programs on the host computer vs. what programs are expected by the storage device.

I will hopefully get updated drawings to you tomorrow.

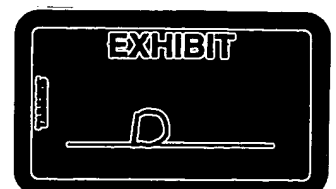
I look forward to your comments.

Ron, if you haven't yet, please give a copy of the application to Rodney, Bill, and Sharon, so that they can review the application for whatever comments they might have.

Jon



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application.doc



Jonathan P. Soifer

From: Jonathan P. Soifer
Sent: Wednesday, November 12, 2003 9:48 AM
To: 'Ronald P. Uhlig (E-mail 2)'; 'John B. Watson (E-mail)'; 'Michael Jay (E-mail)'; 'William Bloom (E-mail)'; 'Rodney Guenther (E-mail)'; 'Sharon@ssross.org'
Subject: Segwave Key application

To the Segwave Key team,

Attached is the final draft of the application and the drawings. Ron, per our discussion, I have changed "document" to "file" in all but about two places. As we discussed, the term "file" may be broader than "document". I made a couple minor changes in the drawings. For instance, in FIG. 2A, in the decision box 308, there was "no" option if the storage device were no longer connected. I also changed "computer" to "computing device" in a few places.

Feel free to take one last read through to see if anyone has any other changes. Otherwise, I think the application is in order for filing. I have attached the Power of Attorney and an Assignment of the invention to Segwave. I have all your signatures on one page for the power and for the assignment, I am giving each of you your own signature page. Please note that your signatures for the assignment should be notarized. For you Segwave people (that's you, Ron, Sharon and Rodney), please sign one copy of the power (so that I have fewer pieces of signed paper in my file).

Please fax back to me all signed papers, and return the originals to me as well. Once I get all signed copies of the power and assignment, I will be able to file the application.

Feel free to call if there are any questions.

Jon



EBCI 8729 -
drawings.pdf



EBCI 8729US -
assignment.doc



EBCI 8729US pwr
of attny.doc

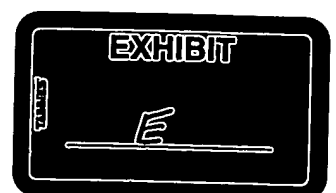


EBCI 8729 -
application.doc

Jonathan P. Soifer
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e-mail: <JSoifer@PatPro.com>

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Jonathan P. Soifer

From: Jonathan P. Soifer
Sent: Tuesday, November 18, 2003 4:02 PM
To: 'Rodney Guenther'
Cc: 'ruhlig@segwave.com'
Subject: RE: URGENT! - Signatures required for Patent Filing

Rodney,

Just got it. Thanks. I found out a little while ago that we had some computer problems this mornnig - a reboot of the fax server apparently took care of it. Technology can just cause so many problems some times.

Jon

-----Original Message-----

From: Rodney Guenther [mailto:rgnecs@attglobal.net]
Sent: Tuesday, November 18, 2003 3:59 PM
To: Jonathan P. Soifer
Cc: ruhlig@segwave.com
Subject: RE: URGENT! - Signatures required for Patent Filing

Hello Jon,

I just resent the fax. The report indicated it was successful. Please let me know if you received everything.

Thanks

Rodney

-----Original Message-----

From: Jonathan P. Soifer [mailto:jsoifer@patpro.com]
Sent: Tuesday, November 18, 2003 7:15 AM
To: Rodney Guenther
Subject: RE: URGENT! - Signatures required for Patent Filing

Rodney,

If our fax isn't working this evening try our alternate fax number - 314-872-7948. I don't understand why our main fax number was not working it is connected to a computer, and we hardly ever have problems (at least that we hear of) regarding the fax line being busy.

Jon

-----Original Message-----

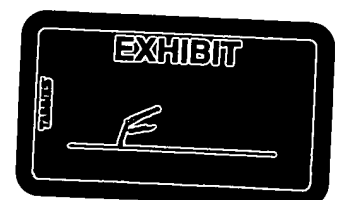
From: Rodney Guenther [mailto:rgnecs@attglobal.net]
Sent: Tuesday, November 18, 2003 8:17 AM
To: ruhlig@segwave.com; Jonathan P. Soifer
Subject: RE: URGENT! - Signatures required for Patent Filing

Hello Jon,

I got my documents notarized and tried 5 times this morning between 9 and 9:20am to fax the documents to you but your fax was busy. I will be in meetings for the rest of the day. I will try again around 5pm my time.

Thanks

9/2/2004



Rodney

-----Original Message-----

From: Dr. Ronald P. Uhlig [mailto:ruhlig@segwave.com]**Sent:** Monday, November 17, 2003 1:50 PM**To:** Michael Jay; Bill Bloom; Rodney Guenther; Sharon Ross; John B. Watson**Cc:** Dorsey C. Dunn**Subject:** URGENT! - Signatures required for Patent Filing**Importance:** High

We urgently need signatures from each of you to complete the paperwork required to file the patent for the SegWave Key. Jon Soifer sent out the documents last week, but there has been a small change - a different address for Rodney. (No, he hasn't moved. He prefers to use a different address for legal purpose, because he must travel so much).

Please look over the two attached documents. **Please print out your signature page in the "Assignment" document, get your signature notarized, and fax it to Jon Soifer directly at (314) 991-2178.** Rodney and Michael, you are set up for a notary in the States of New York and Washington. The rest of us are set up for a notary in the State of California.

Please print out the out the last page (Michael - 2nd page) of the "Power of Attorney for Patent Application", sign by your name on the and fax that directly to Jonathan at the same number.

Please send the originals to me at the SegWave address. I'll make copies for the SegWave files, and send the originals along to Jon for the files, but Jon will be able to proceed with the filing as soon as he gets all the faxes from each of us.

Could you all please try to get this done no later than Wednesday, November 19?

Ron

Ronald P. Uhlig, Ph.D., CEO/President
 SegWave, Inc.
 6943 Dusty Rose Place
 Carlsbad, CA 92009-5167
 USA

<http://www.segwave.com/>
 email: ruhlig@segwave.com
 Phone/Fax: 760-438-5698
 Mobile: 760-213-0314

A Catalyst for Enhancing Learning ...

This electronic message and its attachments contain information from SegWave, Inc. that is privileged and confidential. The information is intended for the use of the addressee(s) only. If you have received this e-mail in error, please contact me at ruhlig@segwave.com or 760-438-5698.

9/2/2004

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR STORING PERSONALIZED COMPUTING DEVICE SETTING INFORMATION AND USER SESSION INFORMATION TO ENABLE A USER TO TRANSPORT SUCH SETTINGS BETWEEN COMPUTING DEVICES**, the specification of which

☒ is attached hereto.

☐ was filed on

☐ and was amended on
International App. No.

as United States App. No. or PCT
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	Priority Claimed <input type="checkbox"/> yes <input type="checkbox"/> no
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<input type="checkbox"/> yes <input type="checkbox"/> no

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States Provisional Application(s) listed below:

Application Number

Filing Date

EXHIBIT

 G

Application NumberFiling Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below:

(Application No.)(Filing Date)(Status - patented, pending, abandoned)(Application No.)(Filing Date)(Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Philip B. Polster, Reg. No. 16,554, J. Philip Polster, Reg. No. 24,739, Lionel L. Lucchesi, Reg. No. 25,891, William G. Bruns, Reg. No. 19,541, Edward A. Boeschstein, Reg. No. 22,986, William B. Cunningham, Jr., Reg. No. 26,155, Ralph B. Brick, Reg. No. 17,444, McPherson D. Moore, Reg. No. 28,449, J. Joseph Muller, Reg. No. 28,450, Jonathan P. Soifer, Reg. No. 34,932, Ned W. Randle, Reg. No. 35,989, Martha A. Michaels, Reg. No. 20,453, Mark E. Books, Reg. No. 40,918, Catherine W. Wall, Reg. No. 42,209, David H. Chervitz, Reg. No. 32,820, Ronald W. Hind, Reg. No. 24,643, Nelson D. Nolte, Reg. No. 42,938, Douglas D. Churovich, Reg. No. 50,613, Douglas E. Warren, Reg. No. 52,344, Ahaji K. Amos, Reg. No. 46,831 and Scott A. Smith, Reg. No. 46,067.

Direct all telephone calls to Jonathan P. Soifer at Telephone No. (314) 872-8118.

Address all correspondence to Customer Number 001688.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of First Inventor:

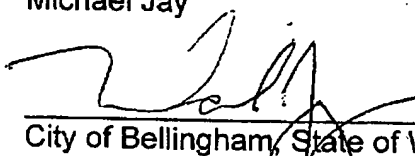
Michael Jay

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

 Date: 22 Nov '03
City of Bellingham, State of Washington
United States of America
1760 Waterside Lane,
Bellingham, Washington 98229

Full name of Second Inventor: Ronald P. Uhlig

Inventor's Signature: Ronald P. Uhlig

Date: 11/18/03

Residence:

City of Carlsbad, State of California

Citizenship:

United States of America

Post Office Address:

6943 Dusty Rose Place
Carlsbad, California 92009

Full name of Third Inventor: William G. Bloom

Inventor's Signature: _____

Date: _____

Residence:

City of Encinitas, State of California

Citizenship: —

United States of America

Post Office Address:

552 Ocean View Ave.
Encinitas, California 92024

Full name of Fourth Inventor: Rodney W. Guenther

Inventor's Signature: _____

Date: _____

Residence:

City of Carlsbad, State of California

Citizenship:

United States of America

Post Office Address:

PMB 117
7040 Avenida Encinas #104
Carlsbad, California 92009

Full name of Fifth Inventor: Sharon S. Ross

Inventor's Signature: _____

Date: _____

Residence:

City of San Diego, State of California

Citizenship:

United States of America

Post Office Address:

2877 Capps St.
San Diego, California 92104

Full name of Sixth Inventor: John Watson

Inventor's Signature: John Watson

Date: 11-18-03

Residence:

City of San Diego, State of California

Citizenship:

United States of America

Post Office Address:

1724 Washington Place,
San Diego, California 92103

Full name of Second Inventor: Ronald P. Uhlig

Inventor's Signature: _____

Date: _____

Residence:

City of Carlsbad, State of California

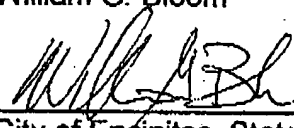
Citizenship:

United States of America

Post Office Address:

6943 Dusty Rose Place
Carlsbad, California 92009

Full name of Third Inventor: William G. Bloom

Inventor's Signature:  _____

Date: 18 November 2003

Residence:

City of Encinitas, State of California

Citizenship:

United States of America

Post Office Address:

552 Ocean View Ave.
Encinitas, California 92024

Full name of Fourth Inventor: Rodney W. Guenther

Inventor's Signature: _____

Date: _____

Residence:

City of Carlsbad, State of California

Citizenship:

United States of America

Post Office Address:

PMB 117
7040 Avenida Encinas #104
Carlsbad, California 92009

Full name of Fifth Inventor: Sharon S. Ross

Inventor's Signature: _____

Date: _____

Residence:

City of San Diego, State of California

Citizenship:

United States of America

Post Office Address:

2877 Capps St.
San Diego, California 92104

Full name of Sixth Inventor: John Watson

Inventor's Signature: _____

Date: _____

Residence:

City of San Diego, State of California

Citizenship:

United States of America

Post Office Address:

1724 Washington Place,
San Diego, California 92103

ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

SS.

On 11-18-2003

(DATE)

before me,

Virginia Lee Sandberg

(NOTARY)

personally appeared William G. Bloom

SIGNER(S)

☐ personally known to me

- OR -

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Virginia Lee Sandberg
NOTARY'S SIGNATURE

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- ☐ INDIVIDUAL
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TITLE(S)

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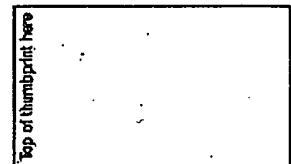
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